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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,459	10/16/2001	Michael H. D'Amico	13251US01	5919

7590 10/08/2003

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EXAMINER

HARRISON, JESSICA

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,459

Applicant(s)

D'AMICO ET AL.

Examiner

Jessica J. Harrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3 and 11-14 define the invention in terms of the functions preformed without clearly setting forth any means for performing the functions. It is not clear if 35 USC 112, sixth paragraph is being invoked by applicant as a methodology for defining his invention. Applicant has set forth specific structure with the language "being arranged to [function (s)]". For purposes of examination, it will be assumed that applicant intended to invoke 35 USC 112, sixth paragraph and the claims are being viewed in light of the functions described as being limiting. Applicant should appropriately amend the claims or state on the record his intentions.

Further regarding dependent claims 4,6,8,10, and 18-20, these claims raise a question of claim scope. More particularly, both claims 1 and 11 define an apparatus for either providing data storage/communication or for generating audit data in a particular environment, that environment being "in a gaming system comprising a plurality of gaming machines...". This language indicates applicant is defining his invention as being the subcombination of the

apparatus rather than the combination of the system with the apparatus. However, in the listed dependent claims, the gaming machine is being further defined implying that the combination is intended. These dependent claims render uncertainty to the true intended scope of the independent claims. For purposes of examination, the claims will be viewed as encompassing the combination of the gaming system and the apparatus.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 10 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Acres '483.

Note Acres bank controller is interpreted as the second database and the accounting system to be the first database. The first network is 22, the second network connects the bank controller through the hub to the concentrator/translator and then on to the server systems. Regarding the

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meter data recited in ^{claims}~~claims~~ 4-7 and 10, these features limitations are well known and inherent to Acres game machines. The reference is deemed to meet the claims as broadly claimed.

Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Rowe '907.

Rowe discloses a cashless transaction clearinghouse network system for allowing cashless instruments to be used across multiple gaming properties. The system provides for an apparatus/method for providing data storage and communications, as well as an apparatus/method for generation of audit reports required by gaming regulation. Rowe's system includes a network and a first network and a data processing unit comprising a second database arranged to poll and store with CVT units – see 8:20-24 at least. Rowe's machines generate meter data such as credit balances, ticket information and validation codes and the like – see the description of the prior art in cols 1 and 2 – inherently Rowe uses known games machines in his network. Rowe also discusses the capability for report generation at 9:55 – 10:10; clearly the data is available, stored and in the proper format for this function to occur. Note also that erasure of data in temporary data storage is also a well known and inherent feature of data transmission. Rowe teaches processor to manage data storage with processor 50 as well as with the clearing house server 136. Finally, regarding the grouping and polling of data, note CVT's are polled at 9:12 in addition to the known fact that polling of terminals for data in a

network is hornbook data management. The reference is deemed to meet the claims as broadly claimed.

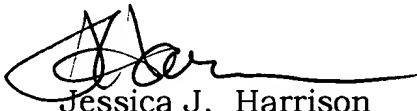
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional art relates to other database arrangements and/or report generation systems in a gaming environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica J. Harrison whose telephone number is 703-308-2217. The examiner can normally be reached on 8 hour/M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


Jessica J. Harrison
Primary Examiner
Art Unit 3714

jjh